

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH MUSUMECI,

Plaintiff,

-against-

MTD PRODUCTS INC., MTD PRODUCTS LTD.,  
MTD HOLDINGS INC., MTD LLC, and  
THE HOME DEPOT, INC.

Defendants.

Docket No. 07 CV 7535

AFFIDAVIT OF SERVICE

STATE OF NEW YORK

COUNTY OF NEW YORK

)  
) ss.:  
)

The UNDERSIGNED, who is not a party to this action/proceeding, being duly sworn, being over the age of 18 years and, having an address in care of Lynch Rowin LLP, 630 Third Avenue, New York, New York 10017, says:

On October 18, 2007 in the manner hereinafter described, true copy(ies) of the following paper(s) were served on respective attorneys for the parties at the addresses hereinafter listed:

☒ By Regular Mail

DESCRIPTION OF PAPERS (and QUANTITY where more than one copy):

Answer and Rule 7.1 Statement

ATTORNEYS/PARTIES SERVED:

TO: LARKIN AXELROD INGRASSIA & TETENBAUM LLP  
Attorneys for Plaintiff, Joseph Musumeci  
356 Meadow Avenue  
Newburgh, New York 12550

Sworn to before me on the  
18<sup>th</sup> day of October 2007.

Notary Public

PATRICK J. COMERFORD  
Notary Public, State of New York  
No. 02005076476  
Qualified in New York County  
Commission Expires April 21, 2011

Meryl Werner  
Meryl Werner